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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/534,040	05/06/2005	Tetsuya Yano	03500.018108.	2351
5514	7590	10/23/2009	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO			LILLING, HERBERT J	
1290 Avenue of the Americas			ART UNIT	PAPER NUMBER
NEW YORK, NY 10104-3800			1657	
MAIL DATE		DELIVERY MODE		
10/23/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10534040	5/6/05	YANO ET AL.	03500.018108.
EXAMINER			
Fitzpatrick Cellar Harper & Scinto 1290 Avenue of the Americas New York, NY 10104-3800			
HERBERT J. LILLING			
ART UNIT	PAPER		
1657	20091020		

DATE MAILED:

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Commissioner for Patents

The amendment filed on September 23, 2009 cancelling all claims drawn to the elected species drawn to Claim 1, formula 1 which was elected on May 12, 2009

"The polyhydroxalkanoate (PHA) monomer is selected from B(i)=1 (formula 1 monomer);"
and presenting only claims drawn to a non-elected species in Claim 1 is non-responsive (MPEP § 821.03). The remaining claims are not readable on the elected invention because it lacks the claimed monomer of formula 1.

Since the above-mentioned amendment appears to be a bona fide attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HERBERT J. LILLING whose telephone number is 571-272-0918. The examiner can normally be reached on WORK AT HOME MAXIFLEX. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JON WEBER can be reached on 571-272-0925. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

H.J.Lilling: HJL
(571) 272-0918
Art Unit 1657
October 22, 2009
Attachment:
IDS 07-10-2009

Ser No 10/534040

/HERBERT J LILLING/
Primary Examiner, Art Unit 1657